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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,998	03/31/2004	Lee Melvin Hinman		5227
7590	12/31/2007		EXAMINER	
LEE MELVIN HINMAN 234 TWIN LAKES DR PANAMA CITY BEACH, FL 32413			ZURITA, JAMES H	
		ART UNIT	PAPER NUMBER	
		3625		
		MAIL DATE	DELIVERY MODE	
		12/31/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/812,998	HINMAN, LEE MELVIN
	Examiner	Art Unit
	James H. Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Prosecution History

On 31 March 2004, applicant filed the instant application.

On 20 October 2005, the application was published as PG-PUB 20050234752.

On 2 April 2007, the Examiner rejected claims 1-12.

Applicant's submission of 22 June 2007, was entered as a miscellaneous letter.

On 2 July 2007, applicant filed a formal reply to the rejection of 2 April 2007.

Response to Amendment

On 2 July 2007, applicant filed an amendment in response to the non-final rejection of 2 April 2007. Applicant cancelled claims 1-12 and added claims 13-25.

Response to Arguments

On 22 June 2007, applicant submitted materials that have been marked as miscellaneous incoming letter. The letter referred to claims 1-49.

On 26 October 2007, the Examiner called Mr. Linman to clarify which claims are to be examined. Mr. Linman responded that his filing of 2 July 2007 is correct. See attached interview summary. Claims 13-25 are pending.

On page 1 of the amendment of 2 July 2007, applicant refers to William B. Noll as a local patent attorney. It is not clear whether applicant wishes to add Mr. Noll as his representative. See MPEP 402.

Applicant's arguments filed 2 July 2007 have been fully considered.

Preliminary Notes

As before, examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

The Examiner also notes that legal protection for the claimed matter may be more properly found under copyright laws rather than under patent statutes.

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 13-25 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. See MPEP 608.01.

The claims will be examined based on reasonable interpretation as best understood from the disclosures. Specific formatting [formatting/example] in the claims will be met are in Prior Art where prior art discloses the use of formatting languages in environments such as request for quotes.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 13-25, as interpreted, are rejected under 35 U.S.C. 102(b) as being anticipated by King, US PG-PUB 20020152133.

As per claim 13, King discloses software method(s) for defining an E-commerce and portal systems (King, portal, as in paragraph 0080) for made to specification product manufactures and service companies that have options, where as Co a, Co b, Co c, and unlimited Companies can have stand alone e-commerce compatible with the portal systems design (King, see Fig. 1 and text, for example).

As per claim 14, King discloses software method(s) for defining an E-commerce and Portal systems for product Specifications utilizing option variable questions to

automatically generate a prospects user e-Commerce screen that is connected to the internet or intranet, derived from an XML Schema Definition-XSD (maintained standard by W3C) file indicated as a given implementation of just one schema and any other applicable schema's file name can be used in other implementation such as Document Type Definition-DTD files, or other new industry schemas as defined as following: [formatting/example]. See King, at least paragraph 0071 and references to other defined protocols.

As per claim 15, King discloses that by repeating the elements in the XSD to achieve unlimited elements option specifications product option questions. Inherent in XML.

As per claim 16, King discloses that option selections will have user definable cross checking between XSD option element selections, the option selections having user definable cross checking between elements selections, as an example [formatting/example]. Inherent in XML.

As per claim 17, King discloses that E-commerce system further processes the option specifications for the product utilizing the XSL file the ability of math to compute result fields back into the e-commerce product: [formatting/example]. See at least paragraph 0122 and other references to common order process.

As per claim 18, King discloses that for File upload: The input allows for the location of a local computer file to be uploaded to the server to a designated location [formatting/example] see Fig. 1 and related text, for example, which show transmissions to other computers at specific network addresses.

As per claim 19, King discloses that for indication of an element being a [formatting/example]. See King, at least Fig. 36H and other examples of displaying elements on a web page.

As per claim 20, King discloses that for order final checkout will NOT occur until update cart has been successfully completed without any errors on any of the elements for processing integrity. See, for example, at least paragraph 0187, concerning

As per claim 21, King discloses that for each option Is contained in an element definitions for standalone and for the Portal access additional subset within each element of the e-commerce system, allowing in the Portal the prospects to select by the subset options without forcing [formatting/example]. See King, paragraph 0004, for example, concerning displaying and selecting multiple options.

As per claim 22, King discloses system-defined allowed number of suppliers that a prospect can select to provide quotes via Web Services. King, paragraph 0117, for example.

As per claim 23, King discloses that returned quoted price via web services Is displayed to the prospects screen with the ability to select the supplier to award the contract. King, paragraph 0011, for example.

As per claim 24, King discloses that portal mode that allows for the prospect continues on to the awarded supplier's e-commerce site for completion of credit processing Information to consummate the commerce transaction. In King, see figs. 48A-48F and related text, for example.

As per claim 25, King discloses wherein for the portal will retain element options selected history information of the transactions. King, see at least paragraph 0150 and other references to audit/reconcile.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Patent Examiner
Art Unit 3625
25 December 2007



JAMES ZURITA
PATENT EXAMINER